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PATENT APPLICATION
19141-002 CIP CPA (NT-2 CIP CPA)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Bronwen M. Loeb
Group Art Unit : 1636
Serial No. : 09/559,707 (Confirmation No.: 2553)
Applicants : John Greenwood et al.
Filed: : April 27, 2000
For : RETINAL CELL LINES WITH EXTENDED LIFE-SPAN
AND THEIR APPLICATIONS

Hon. Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF WENG TAO UNDER 37 CFR 1.131

*Considered
WTF 3/31/03*

1. This declaration is being made to establish invention in the above-identified patent application ("the Application") in the United States under 37 C.F.R. 1.131(b) at a date prior to April 6, 1999, the effective date of U.S. 6,361,771 B1 (the '771 patent) cited by the Examiner in the Office Action dated September June 7, 2002.

2. I, Weng Tao, am a named inventor on the Application and on the '771 patent. I developed the ARPE-19 cell line which is a feature of both the Application and the '771 patent. Because the ARPE-19 cell line was prepared by me prior to the effective filing date of the '771 patent (i.e. April 6, 1999), the '771 patent cannot anticipate this cell line as claimed in the Application.

4. Reduction to practice of the invention described and claimed in at least independent claims 1, 10, and 37 of the Application was diligent.

5. This declaration is submitted prior to the issuance of a final rejection in the Application.

6. I, one of the joint inventors, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by a fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE:

Full name of joint inventor: Weng Tao

Inventor's signature: Weng Tao

Date: 2-14-03

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